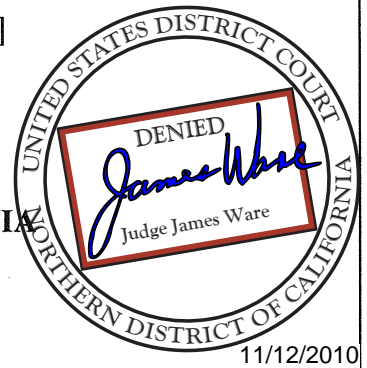


[Complete list of parties represented may be found on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION



ANITA HUNTER, et al.

Plaintiffs,

vs.

CITIBANK, N.A., et al.

Defendants

Case No.: 09-cv-02079 JW

Assigned to Hon. James Ware

**STIPULATION AND [PROPOSED]
ORDER RE: HEARING ON MOTION
FOR SUMMARY JUDGMENT AND
FACT DISCOVERY CUTOFF**

Related to Case No.: 5:09-md-02028 JW

WHEREAS, the preliminary approval hearing for the Wave III Settlements is set for February 7, 2011, and, if approved, the Wave III funds will add to the over \$106 million provided by Waves I and II;

WHEREAS, after Wave III, Plaintiffs believe only a small number of defendants will remain in this class action;

WHEREAS, one Defendant that will not be in Wave III is Defendant Silicon Valley law Group ("SVLG");

WHEREAS, SVLG has filed its Motion for Summary Judgment ("MSJ", Docket No. 402) which is presently calendared to be heard on January 31, 2011;

WHEREAS, Plaintiffs' opposition to the MSJ is presently due January 10, 2011;

WHEREAS, Counsel for Plaintiffs and SVLG agree that certain depositions must be taken before briefing on the MSJ can be completed;

WHEREAS, Counsel for Plaintiffs and SVLG agree that, due to the holidays and other conflicts, the discovery that must be completed to fully brief the MSJ cannot be completed within the existing schedule;

WHEREAS, in addition, the Bankruptcy Trustee appointed in the Okun Bankruptcy

Proceedings (*In re The 1031 Tax Group, LLC*, U.S. Bankruptcy Court, S.D.N.Y. Case No. 07-bk-11448-MG) has recently filed his case against SVLG in this Court (*McHale v. Silicon Valley Law Group*, Case No. 5:10-cv-04864-HRL);

WHEREAS, this Court has previously directed the parties to this action to coordinate depositions with the Bankruptcy Trustee when practicable;

WHEREAS, in order to provide time for the MSJ discovery to be coordinated with the Trustee and completed, Counsel for Plaintiffs and SVLG agree that the MSJ hearing date should be continued by 60 days, or until April 1, 2011, so long as the other dates herein discussed are also continued;¹

WHEREAS, Counsel for Plaintiffs and SVLG, as well as counsel for certain other defendants, agree that, while in the near term the focus of depositions will likely be on completing the MSJ discovery, additional depositions are needed to prepare for trial, and the current fact discovery cut-off of February 14, 2011 needs be continued to allow time for that additional fact discovery to be completed, particularly as to damages, after the MSJ is ruled upon;

WHEREAS, Counsel for Plaintiffs and the Defendants² agree that the following case deadlines should all be continued: (1) the MSJ hearing date should be continued by roughly 60 days, or until April 1, 2011; (2) the fact discovery cut-off should be continued by roughly 90 days or until May 13, 2011; (3) the Expert Disclosure deadline (presently March 14, 2011) should be continued to May 23, 2011; and, (4) the deadline for Disclosure of Rebuttal Expert Witnesses (presently March 28, 2011) should be continued to May 31, 2011.

NOW THEREFORE, BASED UPON THE FOREGOING, IT IS HEREBY STIPULATED AND AGREED THAT: the hearing date on SVLG's MSJ should be continued until April 1, 2011; the fact discovery cut-off should be continued to May 13, 2011; the Expert

¹ SVLG's agreement to continue the MSJ hearing date is contingent upon the other dates herein discussed also being continued.

² Defendants Foley & Lardner and Steve Burr, as well as Defendants Kutak Rock and Joe Kavan are not parties to this Stipulation because they are settling in Wave III and have been exempted from discovery pending approval of their respective settlements pursuant to prior stipulations.

1 Disclosure deadline should be continued to May 23, 2011; and, the deadline for Disclosure of
2 Rebuttal Expert Witnesses should be continued to May 31, 2011. All other dates previously
3 ordered by the court in Docket No. 370 will remain the same.

4 Dated: November 11, 2010

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12 Dated: November 11, 2010

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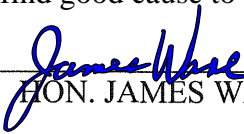
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Attorneys for Defendant Silicon Valley

Law Group

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10 **IT IS SO ORDERED.** The Court does not find good cause to grant the parties' stipulation.

11 Dated: November 12, 2010


HON. JAMES WARE

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15
16 I, Michael P. Denver am the ECF User whose ID and password are being used to file this
17 **STIPULATION AND PROPOSED ORDER RE: HEARING ON MOTION FOR**
18 **SUMMARY JUDGMENT AND FACT DISCOVERY CUTOFF.** In compliance with
19 General Order 45, X.B., I hereby attest that the counsel whose e-signature appears on the
20 foregoing signature pages has concurred in this filing.

21 /s/

22 Michael P. Denver